

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

MILWAUKEE ELECTRIC TOOL)
CORPORATION,)
METCO BATTERY TECHNOLOGIES,)
LLC, AC (MACAO COMERCIAL) Civil Action No. 2:14-cv-01296-JPS
OFFSHORE) LIMITED and)
TECHTRONIC INDUSTRIES CO. LTD.,)
)
Plaintiffs,)
)
v.)
)
SNAP-ON INCORPORATED,)
)
Defendant.)

DEFENDANT SNAP-ON INCORPORATED'S
MOTION FOR SUMMARY JUDGMENT OF INVALIDITY, NONINFRINGEMENT,
LACK OF WILLFUL INFRINGEMENT, AND NO PRE-SUIT DAMAGES

Defendant Snap-on Incorporated ("Snap-on") moves this Court, under Fed. R. Civ. P. Rule 56 and Civ. L.R. 56 for an Order (i) finding U.S. Patent Nos. 7,554,290, 7,944,173, and 7,999,510 ("Patents-in-Suit") invalid as a matter of law as indefinite under 35 U.S.C. § 112 ¶ 2; (ii) finding the Patents-in-Suit invalid as a matter of law for lack of enablement under 35 U.S.C. § 112 ¶ 1; (iii) finding as a matter of law Snap-on's accused products do not infringe the Patents-in-Suit; (iii) finding as a matter of law Snap-on did not engage in willful infringement of the Patents-in-Suit; and (iv) finding the Plaintiffs are not entitled to pre-suit damages. The bases for this motion are contained in papers and pleadings already on file with the Court, as well as the Memorandum, Statement of Facts, and Exhibits (including the Declarations) filed herewith.

Dated: July 31, 2015

Respectfully submitted,

/s/ David R. Cross

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SNAP-ON INCORPORATED,)	
)	
Defendant.)	

[PROPOSED] ORDER GRANTING DEFENDANT SNAP-ON INCORPORATED'S
MOTION FOR SUMMARY JUDGMENT OF INVALIDITY, NONINFRINGEMENT,
LACK OF WILLFUL INFRINGEMENT, AND NO PRE-SUIT DAMAGES

Having considered all papers filed in support of and in opposition to Defendant Snap-on Incorporated's Motion for Summary Judgment of Invalidity, Noninfringement, Lack of Willful Infringement, and No Pre-Suit Damages the Court hereby GRANTS the Motion, (i) finding U.S. Patent Nos. 7,554,290, 7,944,173, and 7,999,510 ("Patents-in-Suit") invalid as a matter of law as indefinite under 35 U.S.C. § 112 ¶ 2; (ii) finding the Patents-in-Suit invalid as a matter of law for lack of enablement under 35 U.S.C. § 112 ¶ 1; (iii) finding as a matter of law Snap-on's accused products do not infringe the Patents-in-Suit; (iii) finding as a matter of law Snap-on did not engage in willful infringement of the Patents-in-Suit; and (iv) finding the Plaintiffs are not entitled to pre-suit damages.

IT IS SO ORDERED

Dated: _____

Honorable J.P. Stadtmauer